IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 15505 of 1996

Between:

1 Md.Karamatulla, S/o.Kamal Mohammed,

aged 23 years, Watchman, Hyderabad Division Nalgonda Sub-

Division.
2 M.Chandra Sekhar Reddy, S/o.M.Nagi Reddy,

Aged 30 years, Helper, Hyderabad Division, Nalgonda Sub-

Division
3 M.Devaiah, S/o.Narasimha, aged 32 years, Watchman,
Hyderabad Division, Mahabubnagar Sub-Division.
4 M.Prem Kumar, S/o.Kannaiah, aged 24 years, Attender,
Warangal Division, Khammam Sub-Division.
5 M.Venkatanarsaiah, S/o.Saravaiah, aged 36 years, Helper,
Warangal Division, Khammam Sub-Division.
6 V.Sathaiah S/o.Esthari, aged 25 years, Helper,
Warangal Division, Khammam Sub-Division.
7 K.Haribabu, S/o.Adishashaiah, aged 25 years, Helper,
Warangal Division Khammam Sub-Division
8 Ch.Venkateswar Rao S/o.Nageswar Rao, aged 30 years, Helper,
Warangal Division, Khammam Sub-Division.
9 D.S.R.Subrahmanyam, S/o.Eswar Rao, aged 25 years,
Store Helper, Vizianagaram Sub Division .
10 Md.Rabbani, S/o.Md.Afzal,
aged 24 years, Helper, Warangal Division.
11 N.Shankar, S/o.Venkataiah,
aged 25 years, Helper, Karimnagar Division .
12 D.Nagaraju, S/o.Venkateswarlu,
aged 25 years, Helper, Karimnagar Division .
(All the petitioners are working in Andhra Pradesh State Cooperative Rural Irrigation Corporation Ltd., (APSCRIC.LTD)

..... PETITIONERS.

AND

1 The Managing Director of A.P.State Cooperative Rural Irrigation

Corporation Ltd., HACA Bhavan, Door No.5-10-193 Hyderabad-4
2 Govt. of A.P., rep.by its Secretary
Food and Agriculture (Coop.VI) Dept., Secretariat Buildings,

Hyderabad
3 Registrar of Cooperative Societies, Gruhakalpa,
Opp:Gandhibhavan A.P., Hyderabad.
4 Executive Engineer A.P.State Cooperatilve Rural Irrigation

Corporation Ltd., Warangal Division, Warangal .
5 Executive Engineer of A.P.State Cooperative Rural Irrigation

Corporation Ltd., Karimnagar Division, Karimnagar.
6 Executive Engineer of A.P.State Cooperative Rural Irrigation

Corporation Ltd., Hyderabad Division, Hyderabad .
7 Dy.Executive Engineer, A.P.State Cooperative Rural Irrigation

Corporation Ltd., Vizianagaram Sub-Division .

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order or direction or a writ more particularly a writ in the nature of Mandamus directing the respondents herein not to implement the Proceedings No.RIC/Adm/319/85/Vol.4/1529, Dt.9/7/1996 issued by the 1st respondent herein and to set aside the same as illegal, void and without jurisdiction and to regularise the petitioners' services.

Counsel for the Petitioners:MR. G.Venkateswara Rao.

Counsel for the Respondent No.1: MR.P.R.BALARAMI REDDY,

Counsel for the Respondent Nos.2 to 7: Govt.Pleader for Cooperation.

The Court made the following :

ORDER:

The petitioners claim to be working as Watchmen, Store Helper, Attender and Helpers in the A.P.State Cooperative Rural Irrigation Cooperation Limited since various dates in the years 1991 to 1993. They admit to have been appointed without either sponsorship through the Employment exchange or any other public and transparent method of recruitment. The writ petition is devoid of any pleading with regard to the status of the respondent Corporation, the extent of State control thereon, the nature of the origin of the Corporation, the law under which the Corporation is registered as also any particulars which permit an inference or analysis as to the character of the respondent Corporation being an Agency or instrumentality of the State within the meaning of Article 12 of the Constitution of India and therefore amenable to judicial scrutiny under Article 226 of the Constitution of India.

As the Managing Director of the Corporation had by a circular dated 09-07-1996 instructed all Executive Engineers and Deputy Executive Engineers, Vizianagaram not to appoint any person on voucher payment basis in any cadre and further instructed these Officers to discontinue the services of voucher payees irrespective of cadre, grade/post with immediate effect, the petitioners have filed the

writ petition seeking invalidation of the circular dated 09-07-1996 and for a direction to regularize their services in the respondent Corporation.

The identification and determination of the jurisdictional of the fact that the respondent Corporation is a State or instrumentality of the State within the meaning of Article 12 of the Constitution of India, is a condition precedent to the exercise of jurisdiction by this Court and in particular for the grant of any of the reliefs sought here.

There is nothing on record either pleaded or urged or demonstrated before this Court to justify the conclusion that the A.P.State Co-operative Rural Irrigation Corporation Limited is an Agency or instrumentality of the State or other authority within the meaning of Article 12 of the Constitution of India. No jurisdictional facts exist on record to justify the exercise of jurisdiction by this Court under Article 226 of the Constitution of India. Accordingly, I find no merits in the writ petition.

In the result, the writ petition is dismissed. No costs.

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GODA RAGHURAM, J

Dated: 07-10-2004.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Managing Director of A.P.State Cooperative Rural Irrigation

Corporation Ltd., HACA Bhavan, Door No.5-10-193 Hyderabad-4
2 The Secretary, Food and Agriculture (Coop.VI) Dept.,Govt. of

A.P., Secretariat Buildings,Hyderabad.
3 The Registrar of Cooperative Societies, Gruhakalpa,
Opp:Gandhibhavan A.P., Hyderabad.
4 The Executive Engineer A.P.State Cooperatilve Rural Irrigation

Corporation Ltd., Warangal Division, Warangal .
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6 The Executive Engineer of A.P.State Cooperative Rural Irrigation

Corporation Ltd., Hyderabad Division, Hyderabad .
7 The Dy.Executive Engineer, A.P.State Cooperative Rural Irrigation

Corporation Ltd., Vizianagaram Sub-Division .

8. Two C.Cs. to the G.P. for Cooperation, High Court Buildings,

Hyderabad (OUT).

9. Two C.D.copies.